

REMARKS

Claims 1, 13, 17, 22, and 29 have been amended to clarify the subject matter regarded as the invention. Claims 1 – 31 are pending.

Claims 1, 13, 17, 22, and 29 stand rejected under 35 U.S.C. §112 for being indefinite, in particular with respect to the phrase “labor rate.”

The rejection is respectfully traversed. In Figure 7, items 166 show some examples of a “labor rate.” In that example, bidders 1 and 2 both have labor rates of \$50/hour. A person of ordinary skill in the art would know that “labor rate” is a rate for labor (e.g., expressed in dollars per hour). A “rate” (the interpretation taken by the Examiner) refers generally to any rate while “labor rate” refers more specifically to a rate for labor.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Independent claims 1, 17, and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ausubel, in view of Takeshi, and further in view of Centner et al. (hereinafter referred to as Centner).

Independent claims 1, 17, and 22 have been amended to recite, “in the event (1) a request to change a previously set non-price parameter is received and (2) an indication associated with unlocking said previously set non-price parameter is not received prior to receiving the request, the requested change is not performed on the previously set non-price parameter; and in the event (1) the request to change the previously set non-price parameter is received and (2) the indication associated with unlocking said previously set non-price parameter is received prior to receiving the request, the requested change is performed on the previously set non-price parameter.” For convenience and without limitation, support can be found in page 23, lines 8 – 26. Ausubel discloses in Col. 4, lines 21 – 29 bidders in an auction specifying the particular objects or number of objects desired by that particular bidder. Takeshi discloses a quality (QOS) request for “specifying the bid price and the resources and requesting the service” and an information service quality control system for “assigning the resources corresponding to the bid price and providing the service.” Centner describes a web-based system for bidding on products

or services (see, e.g., paragraphs 13 and 14). Ausubel, Takeshi, and Centner do not (alone or in combination) describe performing or not performing a change on a previously set non-price parameter in the manner recited in claims 1, 17, and 22. Claims 1, 17, and 22 are therefore believed to be allowable.

Claims 2 – 12, 18 – 21, and 23 – 28 depend respectively from claims 1, 17, and 22 and are believed to be allowable for the same reasons described above.

Independent claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ausubel, in view of Parunak et al. (hereinafter referred to as Parunak), in view of Takeshi, and further in view of Centner.

Independent claim 13 has been amended to recite, “in the event (1) a request to change a previously set non-price parameter is received and (2) an indication associated with unlocking said previously set non-price parameter is not received prior to receiving the request, the requested change is not performed on the previously set non-price parameter; and in the event (1) the request to change the previously set non-price parameter is received and (2) the indication associated with unlocking said previously set non-price parameter is received prior to receiving the request, the requested change is performed on the previously set non-price parameter.” Ausubel discloses in Col. 4, lines 21 – 29 bidders in an auction specifying the particular objects or number of objects desired by that particular bidder. Parunak et al. describe in paragraphs [0125] – [0127] a buyer and a seller’s relative rankings or preferences for certain materials with respect to other materials. Takeshi discloses a quality (QOS) request for “specifying the bid price and the resources and requesting the service” and an information service quality control system for “assigning the resources corresponding to the bid price and providing the service.” Centner describes a web-based system for bidding on products or services (see, e.g., paragraphs 13 and 14). Ausubel, Parunak, Takeshi, and Centner do not (alone or in combination) describe performing or not performing a change on a previously set non-price parameter in the manner recited in amended claim 13. Amended claim 13 is therefore believed to be allowable.

Claims 14 – 16 depend from claim 13 and are believed to be allowable for the same reasons described above.

Independent claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ausubel, in view of Popolo, in view of Takeshi, and further in view of Centner.

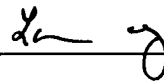
Independent claim 29 has been amended to recite “in the event (1) a request to change a previously set non-price parameter is received and (2) an indication associated with unlocking said previously set non-price parameter is not received prior to receiving the request, the requested change is not performed on the previously set non-price parameter; and in the event (1) the request to change the previously set non-price parameter is received and (2) the indication associated with unlocking said previously set non-price parameter is received prior to receiving the request, the requested change is performed on the previously set non-price parameter.” Ausubel discloses in Col. 4, lines 21 – 29 bidders in an auction specifying the particular objects or number of objects desired by that particular bidder. Popolo describes a system for buying/selling steel in which units specified by the seller are transformed into units preferred by the buyer. Takeshi discloses a quality (QOS) request for “specifying the bid price and the resources and requesting the service” and an information service quality control system for “assigning the resources corresponding to the bid price and providing the service.” Centner describes a web-based system for bidding on products or services (see, e.g., paragraphs 13 and 14). Ausubel, Popolo, Takeshi, and Centner do not (alone or in combination) describe performing or not performing a change on a previously set non-price parameter in the manner recited in amended claim 29. Amended claim 29 is therefore believed to be allowable.

Claims 30 – 31 depend from claim 29 and are believed to be allowable for the same reasons described above.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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